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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 BRUCE DAVID LAVINE,

9 Plaintiff,

10 v.

11 HAROLD W. CLARKE, *et al*,

12 Defendants.

Case No. C08-5195FDB/JKA

ORDER DENYING
PLAINTIFF'S MOTION
FOR APPOINTMENT OF
COUNSEL

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14 This Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28
15 U.S.C. § 636(b)(1)(B). Before the court is plaintiff's motion for appointment of counsel (Dkt. # 27).

16 There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983.
17 Although the court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in*
18 *forma pauperis*, the court may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d
19 1328, 1331 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe,
20 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both the
21 likelihood of success on the merits and the ability of the plaintiff to articulate his claims *pro se* in light of
22 the complexity of the legal issues involved. Wilborn, 789 F.2d at 1331.

23 Plaintiff has demonstrated an adequate ability to articulate his claims *pro se*. See, Complaint (Dkt #
24 5). Accordingly, Plaintiff's Motion to Appoint Counsel (Dkt. # 27) is **DENIED**.

25 The Clerk is directed to send a copy of this Order to plaintiff and counsel for defendants.

26 DATED this 5 day of January, 2009.

27 /S/ J. Kelley Arnold
28 J. Kelley Arnold
United States Magistrate Judge